

SENATE BILL 98
By Kurita

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 7, relative to release of information by
institutions of higher education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, is amended by inserting sections 2 through 6 of this act as a new, appropriately designated part thereto.

SECTION 2. This part shall be known and may be cited as the "Student Information in Higher Education Act of 2005".

SECTION 3. As used in this part, unless the context otherwise requires:

(1) "Institution of higher education" means any college, community college or university, whether public or private, located in this state.

(2) "Responsible person" means any person who is paying or has paid any part of the tuition and fees of a student for the current academic year, as defined by the institution of higher education, regardless of that person's relationship to the student.

(3) "Student" means any full-time or part-time student of any age attending an institution of higher education whose tuition and fees are being paid, even if only in part, by any person other than himself.

(4) "Student information" means any information relative to the well-being, academic progress, or disciplinary status of a student, including information related to mental health or drug or alcohol abuse, grades and information from instructors concerning academic progress, investigation of a student for any type of social or behavioral violations on campus or academic violations such as cheating, whether or not the investigation resulted in a disciplinary action, and any other information that could

reasonably be related to the student's well-being, academic progress, or disciplinary status.

SECTION 4. Any responsible person may request student information about a student from an institution of higher education at any time, and shall be granted access to all relevant student information at the time of the request, subject only to reasonable efforts by the institution of higher education to verify the identity of the responsible person and any other restrictions described in this part. The responsible person may request the records directly from school administrators, counselors, medical personnel, faculty or instructors, and shall be given the information in the control of and to the full extent of the knowledge of the person from whom the information is requested at the time of the request, subject only to the restrictions described in this part.

SECTION 5. Any student at an institution of higher education shall be deemed to have waived any and all rights to confidentiality of academic, personal or medical records under state law or pursuant to the policies of the institution of higher education, but only with respect to those persons who are deemed their responsible persons for purposes of this part. With respect to any other persons, students shall retain all pertinent rights to confidentiality to their academic, personal or medical records under state law and the policies of the higher education institution.

SECTION 6. Students at institutions of higher education shall not be deemed to have waived their federal rights to confidentiality of their medical records under the federal Health Insurance Accountability and Portability Act of 1996 or under the federal Family Educational Rights and Privacy Act, or any federal regulations enacted pursuant to either federal act. Nothing in this part shall be construed to require disclosure of any student's records of any nature held by any person or entity other than an institution of higher education.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.